

Form 410

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Kevin R. McCafferty
Debtor(s)

Bankruptcy Case No.: 13-24760-JAD
Doc. #56
Chapter: 13
Docket No.: 57 – 56
Concil. Conf.: November 9, 2017 at 09:00 AM

ORDER

WHEREAS, the Trustee filed and served a *Certificate of Default Requesting Dismissal of Case*, alleging that the Debtor(s) failed to make regular plan payments and are in material default under the plan,

IT IS HEREBY ORDERED that, on or before **October 6, 2017**, Debtor(s) must file *Documentary Proof of Payment* according to the accompanying *Instructions*, together with either:

1. a *Notarized Affidavit or Declaration* under penalty of perjury that states Debtor(s)' current mailing address and includes an explanation of Debtor(s)' failure to comply with the current plan payment and/or a statement setting forth why the Debtor(s) dispute the *Certificate of Default*;

OR

2. a *Notice of Proposed Modification to Confirmed Plan* and an *Amended Plan* to cure the plan defaults. Debtor(s) must make all plan payments in accordance with the *Amended Plan* pending its confirmation. If the Debtor(s) default on such plan payments, and if the Trustee moves for dismissal of this case, the case will be **DISMISSED**, without further notice or hearing.

IT IS FURTHER ORDERED that, if the Debtor(s) elect to file an *Amended Plan*, the Debtor(s) must immediately serve a copy of the *Notice of Proposed Modification to Confirmed Plan*, the *Amended Plan*, and the *Documentary Proof of Payment* on the Chapter 13 Trustee and all parties on the mailing matrix and file a *Certificate of Service* with the Clerk.

On or before **October 23, 2017**, if the Debtor(s) elect to file an *Amended Plan*, all *Objections* must be filed and served on the Debtor(s), Chapter 13 Trustee and any creditor whose claim is the subject of the *Objection*. Any creditor who files a timely *Objection* must appear at the scheduled Conciliation Conference. Untimely *Objections* will not be considered.

On **November 9, 2017** at **09:00 AM** a Conciliation Conference (on plan defaults or the *Amended Plan*) will occur with the Chapter 13 Trustee at 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.

If the Parties cannot resolve all disputes at the Conciliation Conference, a hearing will be scheduled and orally announced at the conclusion of the Conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the Conciliation conference to the extent such parties desire more information regarding the outcome of the Conciliation Conference.

This case will be **DISMISSED WITHOUT PREJUDICE** and no hearing or conference shall take place, unless the Debtor(s) comply fully with this *Order* by filing and serving all of the required items.

Dated: August 22, 2017

cm: All Creditors and Parties In Interest

Jeffery A. Deller
United States Bankruptcy Judge

INSTRUCTIONS FOR DOCUMENTARY PROOF OF PAYMENT

In response to the Trustee's *Certificate of Default Requesting Dismissal of Case*, Debtor(s) must file *Documentary Proof of Payment* that at least one full plan payment has been submitted to the Trustee since the Trustee filed and served the *Certificate of Default*.

The *Documentary Proof of Payment* must include a copy of a money order, cashier's check, earnings statement(s) or pay stub(s) showing payroll or benefit deduction(s) used to make the plan payment.

The *Documentary Proof of Payment* must also include a copy of the Trustee's printout of the Debtor(s)' payment history of receipts (available on the Trustee's website) indicating the amounts and dates of payments received by the Trustee.

Debtor(s)' case name and bankruptcy case number must be included on the payment.

The plan payment must be sent to the Chapter 13 Trustee's lock box bank account addressed to:

Ronda J. Winnecour, Trustee
P.O. Box 84051
Chicago, IL 60689-4002

Certificate of Notice Page 3 of 3
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Kevin R. McCafferty
 Debtor

Case No. 13-24760-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: skoz
 Form ID: 410

Page 1 of 1
 Total Noticed: 9

Date Rcvd: Aug 22, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 24, 2017.

db +Kevin R. McCafferty, 1331 2nd Street, Westmoreland City, PA 15692-1145
 13782658 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 13747822 +Cleveland Municipal Court, c/o Alliance One, 6565 Kimball Dr., Gig Harbor, WA 98335-1200
 13747823 +Louis P. Vitti, Esq., 215 Fourth Avenue, Pittsburgh, PA 15222-1707
 13823947 +PNC Mortgage, Attn: Bankruptcy Department, 3232 Newmark Drive, Miamisburg, OH 45342-5433
 13747825 +PNC Mortgage, PO Box 1820, Dayton, OH 45401-1820
 13747824 +Pittsburgh Parking Court, c/o Professional Account Mgmt., 633 W. Wisconsin Ave., Milwaukee, WI 53203-1918

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13747821 +E-mail/Text: roy.buchholz@allianceoneinc.com Aug 23 2017 01:32:22 Capital One,
 c/o Alliance One, 4850 Street Rd., Ste.300, Feasterville Trevose, PA 19053-6643
 13747826 +E-mail/Text: ccusa@ccuhome.com Aug 23 2017 01:32:21 Surgeons of Pittsburgh,
 c/o Credit Collections USA, 16 Distributors Dr., Ste. 1, Morgantown, WV 26501-7209
 TOTAL: 2

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC BANK, N.A.
 cr* +Norwin School District, c/o Maiello Brungo & Maiello, LLP, 3301 McCrady Road,
 Pittsburgh, PA 15235-5137
 13764093 ##+Norwin School District, c/o Maiello Brungo & Maiello, LLP, 3301 McCrady Road,
 Pittsburgh, PA 15235-5137

TOTALS: 1, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 24, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 22, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor PNC BANK, N.A. agornall@goldbecklaw.com,
 bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com
 James Warmbrodt on behalf of Creditor PNC BANK, N.A. bkgroup@kmlawgroup.com
 Jennifer L. Cerce on behalf of Creditor Norwin School District jlc@mbm-law.net
 Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
 Ronda J. Winnecour cmecf@chapter13trusteedpa.com
 Scott R. Lowden on behalf of Debtor Kevin R. McCafferty niclowlgl@comcast.net

TOTAL: 6